

United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/658,141	09/09/2003	Scott A. Lerner	IL-11134	5419
7590 03/23/2005			EXAMINER	
Eddie E. Scott Assistant Laboratory Counsel Lawrence Livermore National Laboratory P.O. Box 808, L-703 Livermore, CA 94551			EVANS, FANNIE L	
			ART UNIT	PAPER NUMBER
			2877	
			DATE MAILED: 03/23/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.

A/

Office Action Summary The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply AS HORTENEO STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Exeminer of them may be available under the previous of 3 CFR 1.136(b). In or event, however, may a reply be timely filed state 3X (5) MONTH'S from the making date of the communication. Exeminer of them may be available under the previous of 3 CFR 1.136(b). In or event, however, may a reply be timely filed state 3X (5) MONTH'S from the making date of the communication. The MAILING DATE OF THIS		Application No.	Applicant(s)				
F. L. Evans 2977		10/658,141	LERNER, SCOTT A.				
The MALING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions or time may be available under the provisions of 3 CFR 1.15(6), in no event, however, may a reply be limely filled that 0X (6) MONTHS from the mailing date of bits communication. If NO period for reply is specified under the provisions of 3 CFR 1.15(6), in no event, however, may a reply be limely filled that 0X (6) MONTHS from the mailing date of bits communication. If NO period for reply is specified under the thing of the part of the provision of the part of the communication, even 3 (and a part of the part of the communication, even 3 (and a part of this communication). If NO period for reply is specified above, the maximum statutory period under part of the part of the communication, even 3 (and a part of this communication). If NO period the part of the communication, even 3 (and a part of this communication). The action is FINAL. 2b) ☐ This action is FINAL. 2b) ☐ This action is FINAL. 2b) ☐ This action is find the part of th	Office Action Summary	Examiner	Art Unit				
Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Enteractions of lines may be available under the provisions of 37 CFR 1.13(b), in no event, however, may a raply be limbly filed If the period for reply specified above, the maximum statutory period will apply and the control of reply period active is less than thing (30) days, a raply be limbly (30 days, a raply within the situatory will be considered timely. If NO period for reply is specified above, the maximum statutory period will apply and the capital Stx (8) MONTHS from the maining date of this communication. Failus to provide the state of the control of the cont							
THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the provisions of 37 CPR 1.138(a). In no event, however, may a reply be timely filed after 50 kg (MoNTHS from the mailing date of this communication. If the provision for reply superiod down is less than thin (YG) days, a reply within the satistatory minimum of bility (30) days with a be considered timely. Failure to reply within the set or extended period for reply with (YG) days, a reply within the set or extended period for reply with (YG) days, a reply within the set or extended period for reply with (YG) days, a reply within the set or extended period for reply with (YG) days, a reply within the set or extended period for reply with (YG) days, a reply case (XG) (MONTHS from the mailing date of this communication, even if temely filed, may reduce any common plant term adjustment. Set 37 CPR 1.704(b). Status 1)							
1) Responsive to communication(s) filed on \$\textit{09}\$ September 2003. 2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under \$Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) \$\frac{1.18}{15}\$ is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) \$\frac{1.58}{15}\$ is/are objected to. 6) Claim(s) \$\frac{1.58}{15}\$ is/are objected to. 8) Claim(s) \$\frac{1.58}{15}\$ is/are objected to by the Examiner. 10) The specification is objected to by the Examiner. Application Papers 9) The specification is objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Altachment(s) Paper No(s)Mail Date. Altachment(s) Paper No(s)Mail Date. Paper No(s)Mail Date.	THE MAILING DATE OF THIS COMMUNICATION - Extensions of time may be available under the provisions of 37 Clafter SIX (6) MONTHS from the mailing date of this communication - If the period for reply specified above is less than thirty (30) days, - If NO period for reply is specified above, the maximum statutory property of the period for reply within the set or extended period for reply will, by any reply received by the Office later than three months after the	ON. FR 1.136(a). In no event, however, may a reply be on. a reply within the statutory minimum of thirty (30) deriod will apply and will expire SIX (6) MONTHS frostatute, cause the application to become ABANDON	timely filed ays will be considered timely. om the mailing date of this communication. NED (35 U.S.C. § 133).				
2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-18 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 5) Claim(s) 1/3 are rejected. 7) Claim(s) 2-18 is/are objected to. 8) Claim(s) are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on 09 September 1003 is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received.	Status						
2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-18 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 5) Claim(s) 1/3 are rejected. 7) Claim(s) 2-18 is/are objected to. 8) Claim(s) are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on 09 September 1003 is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received.	1) Responsive to communication(s) filed on	09 September 2003.					
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-18 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) □ Claim(s) is/are allowed. 6) Claim(s) 1 is/are rejected. 7) ○ Claim(s) 2-18 is/are objected to. 8) □ Claim(s) are subject to restriction and/or election requirement. Application Papers 9) □ The specification is objected to by the Examiner. 10) ○ The drawing(s) filed on 09 September 1003 is/are: a) ○ accepted or b) □ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) □ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) □ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) □ All b) □ Some * c) □ None of: 1. □ Certified copies of the priority documents have been received. 2. □ Certified copies of the priority documents have been received in Application No 3. □ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received.							
4) ☐ Claim(s) 1-18 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) ☐ Claim(s) is/are allowed. 6) ☐ Claim(s) is/are rejected. 7) ☐ Claim(s) 2-18 is/are objected to. 8) ☐ Claim(s) are subject to restriction and/or election requirement. Application Papers 9) ☐ The specification is objected to by the Examiner. 10) ☐ The drawing(s) filed on 09 September 1003 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) ☐ All b) ☐ Some * c) ☐ None of: 1. ☐ Certified copies of the priority documents have been received in Application No 3. ☐ Copies of the certified copies of the priority documents have been received in Application No 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received.	3) Since this application is in condition for all	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is					
4a) Of the above claim(s) is/are withdrawn from consideration. 5) □ Claim(s) is/are allowed. 6) □ Claim(s) is/are rejected. 7) □ Claim(s) are subject to restriction and/or election requirement. Application Papers 9) □ The specification is objected to by the Examiner. 10) □ The drawing(s) filed on September	Disposition of Claims						
9) The specification is objected to by the Examiner. 10) The drawing(s) filed on <u>09 September 1003</u> is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)	 4a) Of the above claim(s) is/are withdrawn from consideration. 5) ☐ Claim(s) is/are allowed. 6) ☑ Claim(s) 1 is/are rejected. 7) ☑ Claim(s) 2-18 is/are objected to. 						
10) ☐ The drawing(s) filed on 09 September 1003 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) ☐ All b) ☐ Some * c) ☐ None of: 1. ☐ Certified copies of the priority documents have been received. 2. ☐ Certified copies of the priority documents have been received in Application No 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) ☐ Notice of References Cited (PTO-892) 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) All ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date	Application Papers	•					
12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) Paper No(s)/Mail Date	10) The drawing(s) filed on 09 September 100 Applicant may not request that any objection to Replacement drawing sheet(s) including the contents.	0.3 is/are: a) \square accepted or b) \square objustion of the drawing(s) be held in abeyance. Substitution is required if the drawing(s) is 0	See 37 CFR 1.85(a). Objected to. See 37 CFR 1.121(d).				
a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) Attachment(s) 4) Interview Summary (PTO-413) Paper No(s)/Mail Date	Priority under 35 U.S.C. § 119						
Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 4) Interview Summary (PTO-413) Paper No(s)/Mail Date	 a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). 						
Paper No(s)/Mail Date 0903. (PTO-1449 or PTO/SB/08) Other:	Attachment(s) 1) Notice of References Cited (PTO-892)	8) Paper No(s)/Mail SB/08) 5) Notice of Informa	Date				

Application/Control Number: 10/658,141

Art Unit: 2877

Page 2

DETAILED ACTION

The Information Disclosure Statement

The prior art cited in the information disclosure filed on September 9, 2003 has been considered.

Claim Objections

Claim 11 is objected to because of the misspelling of --front-- in line 4. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. § 102(b) as being clearly anticipated by Davies (US 5,717,487), cited by applicant.

Davies discloses an imaging spectrometer apparatus (line 55 in column 3) comprising: an entrance slit (5) for directing light, a lens (11) that receives said light and directs said light, a grating (9) that receives said light from said lens (11) and defracts/diffracts said light back onto said lens (11) which focuses said light, and a detector array (13) that receives said focused light. Applicant's attention is directed to Davies in its entirety with particular attention directed to Fig. 1 and lines 21-32 in column 3.

Allowable Subject Matter

Claims 2-18 are objected to as being dependent upon a rejected base claim, but would be

allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

As to claims 2-5, the prior art of record, taken alone or in combination, fails to disclose or render obvious an imaging spectrometer apparatus comprising a grating having rulings immersed as specified, in combination with the rest of the limitations of the claims.

As to claims 6 and 7, the prior art of record, taken alone or in combination, fails to disclose or render obvious an imaging spectrometer apparatus comprising a grating having rulings as specified, in combination with the rest of the limitations of the claims.

As to claims 8-10, the prior art of record, taken alone or in combination, fails to disclose or render obvious an imaging spectrometer apparatus comprising a grating having rulings cut as specified, in combination with the rest of the limitations of the claims.

As to claims 11-15, the prior art of record, taken alone or in combination, fails to disclose or render obvious an imaging spectrometer apparatus with the claimed arrangement of the entrance slit, lens and detector array, in combination with the rest of the limitations of the claims.

As to claims 16-18, the prior art of record, taken alone or in combination, fails to disclose or render obvious an imaging spectrometer comprising the claimed lens, in combination with the rest of the limitations of the claims.

Fax/Telephone Numbers

Papers related to this application may be submitted to Technology Center 2800 by facsimile transmission. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). The fax number for Technology Center 2800 is (703) 872-9306 for regular and After Final communications.

Application/Control Number: 10/658,141

Art Unit: 2877

Any inquiry concerning this communication or earlier communications from the examiner should be directed to the examiner whose telephone number is (571) 272-2414. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory J. Toatley, Jr., can be reached on (571) 272-2800 ext 77.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

F. L. EVANS PRIMARY EXAMINER ART UNIT 2877

fle March 18, 2005